

**REMARKS/ARGUMENTS**

Claims 1-25 are pending.

Claims 1-4 and 14-16 are rejected under 35 U.S.C. § 102(e) as being anticipated by Vaid et al., U.S. Patent No. 6,078,953.

Claims 5-13 and 17-25, are rejected under 35 U.S.C. § 103(a) as being unpatentable over Vaid and further in view of Mate et al., U.S. Patent Publication No. 2003/0056001.

Applicant and the undersigned would like to thank the examiner for his time for a telephonic interview conducted on March 8, 2007. Although no agreement was reached, a discussion about the primary reference to Vaid was made and an understanding seemed to have been reached as to the distinctions between Vaid toward the end of the interview. The points are presented below.

**first allocation of resources and second allocation of resources**

One aspect of the pending claims is:

a first allocation of resources for the plurality of nodes ...  
a second allocation of resources at the first node [from among the plurality of nodes] ... (claim 1, underlining added to emphasize)

Independent claim 14 recites similar limitations.

Vaid does not show this aspect of the present invention. As best understood from the interview, it was explained that col. 2, line 58 to col. 3, line 4 of Vaid was relied on for teaching this aspect of the invention. Column 2, lines 58+ seem to refer to Fig. 9 (col. 17, lines 15+) of Vaid where he describes classifying (903) the flow of information into a first portion (e.g., TCP packets, 905) and a second portion (e.g., non-TCP packets, 907).

It was explained by the undersigned that col. 2, lines 58+ and Fig. 9 of Vaid show that he directs the flow of information to one path 905/909 or another path 907/911. The undersigned entertained the notion that Vaid's redirecting of information flow can be thought of as "allocating" a portion of the *flow of information* to either the path 905/909 or the path

907/911. However, even given this interpretation, Vaid still does not teach the pending claims where, for example in claim 1, the claim recites allocation of *resources* for nodes.

Moreover, the pending claims recite allocation first resources for all nodes and allocation of resources for one of the nodes. Vaid teaches “allocating” (actually directing) flow of information down one path or another, as shown in Fig. 9. There is no idea at all about both *allocating resources* for all nodes and *allocating resources* for one of the nodes. Vaid therefore does not teach or even suggest the recited:

a first allocation of resources for the plurality of nodes ...  
a second allocation of resources at the first node [from among the plurality of nodes] ...

For at least this reason, the Section 102 rejection of the claims is believed to be overcome.

There also seemed to be some reliance on Vaid’s FAST module and FAIR module. However, as best understood, these modules relate to monitoring and controlling the flow of traffic. These modules do not perform allocation of resources. For example, the FAIR module uses flow control and queuing algorithms to effect control. *Col. 12, lines 62-64*. There is no allocating of resources involved. The FAST and FAIR modules do not teach the first and second allocations recited above.

#### **first management system and second management system**

Another aspect of the pending claims is:

a first allocation of resources for the plurality of nodes ... the first allocation being made by a first management system external to the plurality of nodes ...  
second allocation of resources at the first node ... the second allocation being made by a second management system ...

Independent claim 14 recites similar limitations.

It was explained by the undersigned that Vaid does not show both a first management system that allocates first resources for all nodes and a second management system that allocates second resources for one of the nodes. Fig. 7 of Vaid was noted for showing a TrafficWare device in each of four different countries. However, no one of the devices serves to

provide any kind of allocation for all of the nodes; rather, each device simply provides traffic management for the node in its respective country.

It is further noted that the Office action cited col. 9, lines 45-65 of Vaid for apparently teaching the recited first and second management systems. See page 10 of the Office action, for example. The cited portion, however, simply discloses alternative installations of the tool 208 (TrafficWare), not that the tool is concurrently installed in a server and/or a PC and/or a stand-alone device. In fact, Vaid seems to show that at any one location, there is only one TrafficWare; this is even the case in Fig. 7, where even though there are multiple installations of TrafficWare, there is only one installation of TrafficWare for each LAN in a given country. Therefore Vaid does not teach the recited:

a first allocation of resources for the plurality of nodes ... the first allocation being made by a first management system external to the plurality of nodes ...  
second allocation of resources at the first node ... the second allocation being made by a second management system ...

For at least this reason, the Section 102 rejection of the claims is believed to be overcome.


The Section 103 rejection of the dependent claims is believed to be overcome for at least the same reasons.

### CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,

  
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